IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 24073 of 2007(N)

PETITIONER:

BIJO OMMEN, AGED 28 YEARS,
S/O. OMMEN GHEEVARGHESE, KALIYICKAL GREEN VIEW,
ANAKOOTHU P.O., NADAVATHUR VILLAGE,KOTTARAKKARA
TALUK, KOLLAM DISTRICT.

BY ADV. SRI.P.K.BALAKRISHNAN NAIR

RESPONDENTS:

---

1. UNION OF INDIA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, NEW DELHI.

2. THE DEPUTY SECRETARY,
CENTRAL BOARD OF SECONDARY EDUCATION,
REGIONAL OFFICE, CHENNAI.

BY ADV. SRI.DEVAN RAMACHANDRAN FOR R2
SMT.T.G.SEETHAL
SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

- -

W.P.(C) No. 24073 of 2007

- -

Dated this the 23rd day of October, 2007

JUDGMENT

By Ext.P3 application the petitioner sought correction of his date of birth in the mark list issued by the 1st respondent, in which the date of birth was mentioned as 14-8-1996. Petitioner submits that as per the Panchayat records, his date of birth is 14-9-1996. This is sought to be corrected by submitting Ext.P3. However, as the request was not responded to by the respondents, the petitioner has filed this writ petition.

2. A statement has been filed for and on behalf of the 2nd respondent indicating that as per Rule 69.1(ii) Central Board of Secondary Education (CBSE) Examination Bye-laws, such correction is not permissible at this distance of time. In several cases this Court had already taken the view that Rule 69.1(ii) is not mandatory and that it was only a directory and that despite lapse of the period specified therein, correction of date of birth is permissible. Therefore, there is no merit in the contention raised by the 2nd respondent.

3. However, in this case, the petitioner has submitted Ext.P3 application directly to the 2nd respondent. According to the 2nd respondent,

application has to be first submitted to the concerned school and with the recommendation of the Head of the School, the same to be forwarded to the 2nd respondent and then only the matter will be entertained by the Board.

3. In view of the above, I direct that the petitioner may apply afresh enclosing copy of the birth certificate issued by the Panchayat and also copy of the school records to the Principal concerned, once the same is forwarded to the 2nd respondent along with the recommendation of the school, the 2nd respondent shall consider the application submitted by the petitioner on merit and pass appropriate orders thereon as early as possible, at any rate within six weeks from the date of receipt of the application.

The writ petition is disposed of as above.

Antony Dominic,
Judge.

mn.